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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,010	03/01/2002	Pekka Kostiainen	1030.41310X00	1138

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EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,010

Applicant(s)

KOSTIAINEN ET AL.

Examiner

Sanh D. Phu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12,13,15-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12,13,15-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 14,21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 4/22/05.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claim 12-22 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 10/502081. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 12-22 of the instant application are broader in scope than the claims in the

copending application 10/502081 and thus encompass claims 12-22 of the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Regarding to claims 12-14 are rejected by the claims 1-3 of the copending application No. 10/794137.

Regarding to claims 15-21 are rejected by the claims 4-12 of the copending application No. 10/794137.

Regarding to claim 22 is rejected by the claims 13-15 of the copending application No. 10/794137.

Claim Rejections – 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13, 15-18, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews (5,911,121), previously cited.

-Regarding to claims 12, 15 and 22, see figures 1-5, and col. 2, line 58 to col. 4, line 62, Andrews discloses a wireless communication terminal/method including an user exchangeable cover part (44), wherein the wireless communication terminal/method (46,42) and user exchangeable cover part are electrically interconnected by means of an electrical connector (which connect 52 and 60, see Fig. 2, col. 3, lines 60-66) wherein:

the user exchangeable cover part comprises an identification means (number 60 of each exchangeable cover part, in Fig. 2, has its own model ID) for identifying the cover part, electrical circuitry (number 60 inherently has an ID electrical circuitry which generates its particular model ID number through pins 62, 64 and 66 in Fig. 3) for supporting a user interface of the wireless terminal, a display (20) and a keyboard (18);

the wireless terminal identifies the user exchangeable cover part by detecting the identification means (number 50 detects ID of number 60 which is model ID of exchangeable cover part) (see col. 3, line 5 to col. 4, line 10); and

the wireless terminal operates the electrical circuitry of the user exchangeable cover in dependence of the identification means of the user exchangeable cover part (the wireless terminal detection circuitry (50) detects the number 60 (the ID electrical circuitry) of exchangeable cover part which generates a configuration signal to correspond to a particular model mobile phone, see table 1 which shows output voltage of particular model) (see Fig. 1 – 5, col. 3, line 5 to col. 4, line 62) .

–Regarding to claim 13, Andrews discloses that the connector (60) has a plurality of pins (64), and at least one of the connector pins is operated in an identification state for sensing a resistor value (R1, R2, R3) included in an identification means (50) for identifying and which is pad of the user exchangeable cover part, and afterwards is operated in an operation state operating the electrical circuitry of the user exchangeable cover pad (see figures 3 and 4, and col. 3, line 40 to col. 4, line 22).

–Regarding to claim 16, Andrews discloses that the connector includes a plurality of connector pins (64) arranged in line (52) and separated by an equal distance (see figure 4, and col. 3, lines 46–49 and 60–63).

–Regarding to claim 17, Andrews discloses that the connector pins are arranged at a rear side of the cover part (see col. 3, lines 40–44).

–Regarding to claim 18, Andrews discloses that a number of the connector pins (C1, C2, C3) is three (see figure 4).

–Regarding to claim 20, Andrews discloses that at least one of the connector pins is operated in an identification state for sensing a resistor value included in the identification means, and afterwards is operated in an operation state operating the electrical circuitry of the user exchangeable cover part (see col. 3, line 30 to col. 4, line 10).

Claim Rejections – 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

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would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews.

–Regarding to claim 19, Andrews does not disclose that a number of the connector pins is five.

Andrews discloses that a number of connector pins is four, not five. However, he teach that the number of possible models of the user exchangeable cover part is 2^{N-1} , where N is a number of connector pins (the ground pin is not included in (N-1)) (see col. 4, lines 18–22). It would have been obvious for a person skilled in the art, within his skills and upon his design preferences or system requirement, to implement Andrews invention to have a number of connector pins being five or more so that the number of possible models of the user exchangeable cover part could be increased to $2^4 = 16$ or more for use in the wireless terminal.

Allowable Subject Matter

6. Claims 14 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Claims 1-11 are canceled.

8. Applicant's arguments filed on 4/22/05 have been fully considered but they are not persuasive.

Applicant mainly argues the claims 12 and 22 that Andrew does not teach an electrical circuitry in a user exchangeable cover part, which is operated in dependence upon the identification of the user exchangeable cover.

The examiner respectively disagrees. The explanations with respect to claims 15 and 22 are described as above in this Office Action.

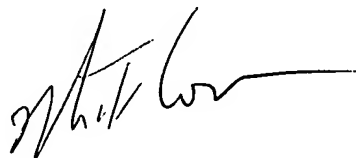
Conclusion

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (571) 272-7857. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NICK CORSARO
PRIMARY EXAMINER

Sanh D. Phu
Examiner
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SP

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